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9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

2:23-CR-00066-MKD-1

15 v.

16 REILY WILLIAM ARAMBUL,

17 Defendant.

United States' Response to
Defendant's Sentencing
Memorandum

18
19 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
20 States Attorney for the Eastern District of Washington, Patrick J. Cashman, Assistant
21 United States Attorney for the Eastern District of Washington, respectfully submits
22 the following Response to Defendant's Sentencing Memorandum. (ECF No. 37). The
23 United States maintains a sentence of 70 months incarceration, followed by 3 years of
24 supervised release is a fair, just, and reasonable sentence that is no greater than
25 necessary to meet the interests of federal sentencing principles.

26 I. Introduction

27 The United States submits a sentence of 60 months incarceration is inadequate
28 to meet the interests of federal sentencing principles and the 18 U.S.C. § 3553(a)

1 factors. First, a sentence of 60 months incarceration would discount the seriousness of
2 the Defendant's actions. Second, a sentence of 60 months would fail to convey a
3 strong message of both general and specific deterrence. Third, a sentence of 60
4 months would fail to adequately punish the Defendant for knowingly and intentionally
5 violating the law.

6 II. Factual Basis

7 The United States relies on the facts as presented in the plea agreement, the
8 PSIR, and any additional facts developed during the course of the sentencing hearing.
9 ECF No. 25, 39.

10 III. Response to Defendant's Sentencing Recommendation

11 As noted by the Defendant's brief "[T]he punishment should fit the offender
12 and not merely the crime." *Pepper v. U.S.*, 562 U.S. 476, 487-88 (2011) (quoting
13 *Williams v. New York*, 337 U.S. 241, 247 (1949)). Here, the United States'
14 recommendation of 70 months incarceration, followed by three years of supervised
15 release appropriately reflects not merely the crime the Defendant has been convicted
16 of but the Defendant himself.

17 a. Nature and Circumstances of the Offense:

18 The Defendant's sentencing memorandum does not significantly address the
19 serious and egregious facts and circumstances of this offense. As noted in the plea
20 agreement, the PSIR, and the United States' response to the Defendant's PSIR
21 objections, the Defendant on the night of the incident, engaged in a course of conduct
22 that placed innocent bystanders, an acquaintance who gave him a ride, responding
23 police officers, and himself in grave danger. (ECF Nos. 25, 32, 39). When
24 considering an appropriate sentence, including a term of imprisonment, the Court
25 should consider the nature and circumstances of the offense. Here, the nature and
26 circumstances of the offense warrant a higher sentence than 60 months as
27 recommended by the Defendant. The United States submits a sentence of 70 months
28

1 more appropriately captures the gravity of the Defendant's actions, as well as balances
2 the remaining 18 U.S.C. § 3553(a) factors.

3 b. Characteristics and Criminal History of the Defendant:

4 The Defendant's characteristics and criminal history further support a sentence
5 of 70 months. The Defendant has repeatedly violated the law, even while on
6 supervision. Beginning in 2016, at the age 20, the Defendant was convicted in the
7 State of Alaska of Third Degree Misconduct Involving a Controlled Substance and
8 Fourth Degree Misconduct Involving a Weapon - Firing Recklessly. (ECF No. 39,
9 ¶46). Notable from the facts is the Defendant fired a rifle at another vehicle in close
10 proximity to a playground. *Id.*, ¶52. When contacted by law enforcement, the
11 Defendant indicated it as a bad dope deal and while handing the officer
12 methamphetamine, said he just wanted to be done forever. *Id.* Following this felony
13 conviction, he was convicted of another felony offense approximately one year later
14 for Failure to Stop at the Direction of an Officer and Third Degree Assault – Cause
15 Fear of Injury with Weapon. *Id.*, ¶56. In 2021, he was convicted of a controlled
16 substance offense in Texas. *Id.*, ¶61. In 2022, he was convicted of Taking a Motor
17 Vehicle without Permission. And Attempting to Elude a Police Vehicle. *Id.*, ¶ 67.
18 These two convictions, like the offense currently before the Court, occurred while the
19 Defendant was under supervision by the State of Washington in agreement with the
20 State of Alaska. *Id.*, ¶78. As noted by the DOC officer, the Defendant had repeated
21 violations for failure to report, drug violations, leaving treatment without completing
22 the program, and absconding. *Id.* Accordingly, the Defendant's acts in this case,
23 which are remarkably similar to his past criminal acts where he received more lenient
24 sentences, tend to warrant a more significant sentence.

25 c. Public Safety, Deterrence, and Rehabilitation:

26 Moreover, the Defendant argues that a shortened period of incarceration is
27 warranted and that he should receive treatment while in custody. Specifically, the
28 Defendant states “[B]ased on decades of research, we know that supervision and

1 treatment – not lengthy incarceration – most effectively prevent recidivism.” (ECF
2 No. 37, p. 11, lns 14-15). However, this statement is belied by the facts of this case.
3 At the time of this offense the Defendant was on supervision. Moreover, at the time
4 of other offenses leading up to this conviction, the Defendant was on supervision and
5 required to attend treatment, which the Defendant violated. The Defendant has been
6 given opportunities through shortened prison sentences and treatment to rehabilitate;
7 the Defendant has not seized on those opportunities. Rather, the Defendant continued
8 to engage in violations of the law that put others at risk. Thus, while the study cited
9 by the Defendant indicates rates of success in reducing recidivism, the Defendant’s
10 actions in this case stand in stark contrast of those results. Therefore, while the United
11 States agrees treatment for mental health and substance abuse is warranted, that
12 should not be at the expense of ensuring the public’s safety and deterring the
13 Defendant from committing crimes through a substantial prison sentence. The United
14 States believes to appropriately meet this immediate need, a sentence of 70 months is
15 just and appropriate.

16 d. Consistency in Sentencing and Collateral Consequences:

17 Additionally, the Defendant cites to data indicating below guideline sentences
18 are commonplace in U.S.S.G. §2K2.1 cases. However, the Defendant cites to no data
19 that supports a below guideline sentence is appropriate or has been imposed in cases
20 involving similar facts and circumstances. This case is not simply a felon in
21 possession of a firearm case. The Defendant’s actions in this case placed others at risk
22 of harm. Accordingly, the United States submits a sentence of 70 months
23 incarceration is appropriate.

24 Moreover, the Defendant indicates he should receive a reduced sentence
25 because of collateral consequences. While the United States is empathetic to the
26 Defendant’s status as a felon and the collateral consequences that follow, that is not
27 itself a basis warranting a reduced sentence. The Defendant was well aware of the
28 collateral consequences of his actions, having already been convicted of multiple

1 felony offenses. Yet knowing this, the Defendant made the choice to possess a
2 firearm unlawfully. The Defendant made a choice to threaten occupants of an
3 apartment building. The Defendant made a choice to commandeer the vehicle of
4 another to evade the police. The Defendant's choices have brought him to where he is
5 today. The Defendant should not now derive a benefit from his negative choices and
6 repeated disregard for the law.

7 IV. Conclusion

8 For the foregoing reasons, the United States submits a sentence of 60 months is
9 an inadequate sentence to reflect the seriousness of the Defendant's actions, deter
10 future criminal acts, and ensure the safety of the community. Accordingly, the United
11 States requests the Court impose a sentence of 70 months imprisonment, followed by
12 a three-year term of supervised release.

13 Dated: December 28, 2023.

14 Vanessa R. Waldref
15 United States Attorney

16 s/ Patrick J. Cashman
17 Patrick J. Cashman
18 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ryan Farrell
ryan_farrell@fd.org

s/ Patrick J. Cashman
Patrick J. Cashman
Assistant United States Attorney